

## DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS)



501 E. FAYETTE STREET

Baltimore MD 21202

CASE NO.

CV

7049-2015

PARTIES

Plaintiff

DEWAYNE E. HOPKINS

1622 E. ~~FAYETTE~~ 25th Street

Baltimore MD. 21213

VS.

Defendant(s):

1. AMERICAN CREDIT

ACCEPTANCE 961 EAST MAIN

ST. SPARTANBURG SC. 29302

Serve by:

- ☒ Certified Mail  
☐ Private Process  
☐ Constable  
☐ Sheriff

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☐ Private Process  
☐ Constable  
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☐ Private Process  
☐ Constable  
☐ Sheriff

ATTORNEYS

For Plaintiff - Name, Address, Telephone Number &amp; Code

COMPLAINT ☐ \$5,000 or under ☐ over \$5,000 ☒ over \$10,000Clerk: Please docket this case in an action of ☒ contract ☐ tort  
☐ replevin ☐ detinue ☐ bad faith insurance claim

The particulars of this case are:

Pursuant to 15 U.S.C. § 1692(g)(1)  
Validation of DEBT

(See Continuation Sheet)

☐ Legal  
☐ Contractual \_\_\_\_\_ %

The Plaintiff claims:

☐ \$ 18,676.27 plus interest of \$ 0 and attorney's fees of \$ \_\_\_\_\_ plus court costs.☐ Return of the property and damages of \$ \_\_\_\_\_ for its detention in an action of replevin.☐ Return of the property, or its value, plus damages of \$ \_\_\_\_\_ for its detention in action of detinue.☐ Other: \_\_\_\_\_ and demands judgment for relief

Signature of Plaintiff/Attorney/Attorney Code

Signer's Address: 1622 E. 25th Street  
Baltimore MD 21213

Signer's Telephone Number: 443-742-0947

Signer's Facsimile Number, if any: \_\_\_\_\_

Signer's E-mail Address, if any: \_\_\_\_\_

## MILITARY SERVICE AFFIDAVIT

☐ Defendant(s) \_\_\_\_\_ is/are in the military service.  
☒ No Defendant is in the military service. The facts supporting this statement are: \_\_\_\_\_

Specific facts must be given for the Court to conclude that each Defendant who is a natural person is not in the military.

☐ I am unable to determine whether or not any Defendant is in military service.

I hereby declare or affirm under the penalties of perjury that the facts and matters set forth in the foregoing Affidavit are true and correct to the best of my knowledge, information, and belief.

4/3/2015  
Date

Signature of Affiant

## APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT

Attached hereto are the indicated documents which contain sufficient detail as to liability and damage to apprise the Defendant clearly of the claim against the Defendant, including the amount of any interest claimed.

☐ Properly authenticated copy of any note, security agreement upon which claim is based ☐ Itemized statement of account ☐ Interest worksheet  
☐ Vouchers ☐ Check ☐ Other written document ☐ \_\_\_\_\_ ☐ Verified itemized repair bill or estimate

I HEREBY CERTIFY: That I am the ☒ Plaintiff ☐ \_\_\_\_\_ of the Plaintiff herein and am competent to testify to the matters stated in this complaint, which are made on my personal knowledge; that there is justly due and owing by the Defendant to the Plaintiff the sum set forth in the Complaint.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters.

4/3/15  
Date

Signature of Affiant

Notification of Stay of Proceedings Under 50 U.S.C. App. §521 & §522  
(applies to DC/CV1 and CDC/CV5)

The Servicemembers Civil Relief Act, as codified at 50 U.S.C. App. §521 & §522, rewrites and amends the Soldiers & Sailors' Relief Act of 1940. The Servicemembers Relief Act, 50 U.S.C. App. §521, applies to setting aside or vacating default judgments in which plaintiff or defendant is in military service or is within 60 days after termination of or release from military service and has received notice of the action or proceeding.

The Servicemembers Relief Act, 50 U.S.C. App. §522, applies to any stage before final judgment in a civil action or proceeding in which a servicemember as described above is a party at the time of filing an application, the court may on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than 90 days, if the following conditions are met:

- (A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear.
- (B) A letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

Date: March 24, 2015

**NOTICE AND DEMAND TO VALIDATE DEBT CLAIM**

From : DEWAYNE HOPKINS  
Street: 1622 E 25<sup>TH</sup> STREET  
City & State BALTIMORE ,MD  
Zip Code 21213

To: AMERICAN CREDIT ACCEPTANCE  
Address 961 E MAIN STREET FLOOR 2  
City & State SPARTANBURG, SC  
Zip Code 29302

REF: Your correspondence purporting to allege a debt claimed by:

Name AMERICAN CREDIT ACCEPTANCE  
Address 961 E MAIN STREET FLOOR 2  
City & State SPARTANBURG, SC  
Alleged Account #: 39439411001  
Alleged Balance: \$ 18,676.27

REC'D CIVIL PREJ  
2015 APR - 3 P 2  
DIST. CRT. BALTO. CT

This is an offer to fully pay/discharge the attached claim of debt on the condition that the claiming parties comply with this notice within 30 days of receipt of this correspondence.

**NOTICE OF CLAIM DISPUTE**  
**NOTICE TO AGENT IS NOTICE TO PRINCIPAL**  
**NOTICE TO PRINCIPAL IS NOTICE TO AGENT**  
**APPLICABLE TO ALL SUCCESSORS AND ASSIGNS**

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**\*\*\*\*\*SILENCE IS ACQUIESCENCE\*\*\*\*\***

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**NOTICE AND DEMAND TO CEASE AND DESIST COLLECTION ACTIVITIES PRIOR TO**  
**VALIDATION OF PURPORTED DEBT**

Pursuant to the truth in lending laws of the United States Code, Title 15 § 1601 et. seq. and the Fair Debt Collection Practices Act laws of the United States Code § 1692 et. seq. This notice constitutes a timely written response to your Fair Debt Collection Practices Act notice that you are attempting to collect an alleged debt and is not a dishonor of your alleged claim of debt.

This notice is my, required by law, demand to "cease and desist" collection activities prior to validation of purported debt and you must validate the enclosed claim of an alleged debt. You must provide verification that an actual debt really exists by producing the following:

- (1) The name and address of the organization or other governmental unit alleging a debt;
- (2) The name and address of the person or persons in that organization or other governmental unit alleging a claim of a debt;
- (3) The name of the actual creditor even if that is myself;
- (4) The origin of the funds used to create this alleged claim of a debt**
- (5) The actual records of the organization or other government unit showing the time and place of the deposit and distribution of the funds used to create this alleged claim of debt.
- (6) The actual records of the organization or other governmental unit showing that an actual loan was made from the organization or other governmental unit's own funds that resulted in the enclosed alleged claim of a debt.
- (7) The actual records of the organization or other governmental unit with a live signature on any and all document/instrument(s) used to allege the existence of a real loan of funds or debt from the organization or other governmental unit to myself or anyone else by a similar name.
- (8) Be advised that verification is defined (Black's Law Dictionary, 6<sup>th</sup> Edition) as follows: "Confirmation of correctness, truth, or authenticity, by affidavit, oath or deposition". Affidavit of truth of matter stated and object of verification is to assure good faith in averments or statements of party.
- (9) The actual records of the organization or other governmental unit showing that an honest disclosure of facts relating to the alleged loan was made by the organization or other governmental unit in compliance with the truth in lending laws of the United States Code, Title 15 § 1601 et. seq. and Regulation Z.
- (10) The actual records of the organization or other governmental unit showing that any and all document/instrument(s) containing my signature or the likeness of my signature were not negotiated or pledged by the organization or other governmental unit against my credit to create the funds used for the appearance of a debt and resulting in this alleged claim of debt.

(11) **The person that prepares and swears to the validation of debt must describe:** 1) your job description on a daily basis; 2) if you are the regular keeper of those books and records and are familiar with how they are kept and their contents; 3) how long have you been in your position; 4) when did you first come in contact with the alleged account/debt; 5) how frequently do you work with the files and information they are presenting to verify/validate the alleged debt; 6) are you the person/employee who regularly works with the alleged account/debt; and 7) do you have personal knowledge about the alleged debt and/or any alleged account.

15 U.S.C. § 1692 (e) states that a "false, deceptive, and misleading representation, in connection with the collection of any debt," includes the false representation of the character or legal status of any debt and further makes a threat to take any action that cannot legally be taken a deceptive practice.

Pursuant to 15 U.S.C. § 1692 (g) (4) **Validation of Debts**, if you have evidence to validate your claim that the attached presentment does not constitute fraudulent misrepresentation and that one owes this alleged debt, this is a demand that, within 30 days, you provide such verification/validation and supporting evidence **signed and certified under penalty of perjury to substantiate your claim. Until the requirements of the Fair Debt Collection Practices Act have been complied with and your claim is verified/validated, you have no consent to continue any collection activities.**

This is a constructive notice that, absent the validation of your claim within 30 days, you must "cease and desist" any and all collection activity and are prohibited from contacting me through the mail, by telephone, in person, at my home, or at my work. You are further prohibited from contacting any other third party. Each and every attempted contact, in violation of this act, will constitute harassment and defamation of character and will subject your agency and/or attorney and any and all agents in his/her individual capacities, who take part in such harassment, and defamation, to a liability for actual damages, as well as **statutory damages of up to \$1,000 for each and every violation**, and a further liability for legal fees to be paid to any counsel which I may retain. Further, absent such validation of your claim, you are prohibited from filing any notice of lien and/or levy or judgment and are also barred from reporting any derogatory credit information to any credit reporting agency, regarding this disputed purported debt.

Further, pursuant to the **Fair Debt Collection Practices Act**, 15 U.S.C. § 1692 (g) (8), as you are merely an "agency" or other governmental unit of the United States, acting on someone else's behalf, this is a demand that you provide the name of the original "principal", or "holder in due course", for whom you are attempting to collect this alleged debt.

**Please take notice that this is a criminal investigation of the business practices of the above named organization or other governmental unit, its agents, officers, employees**

and attorney to determine violations of the United States criminal laws. Your enclosed claim of collection of a purported debt appears to be founded upon a false record in violation of U.S.C. Title 18 § 2071 and 2073 (falsifying records) and further; uttering and possessing false obligations and counterfeit securities based upon the falsified records in violation of U.S.C. Title 18 § 471, 472, 473 and/or 513, and further: using corrupt business practices to make and possess false records and claim of obligation, not substantiated by truthful facts in violation of the Federal Racketeer Influences and Corrupt Organization (RICO), U.S.C. Title 18 § 1961 et. seq. and further: using the U.S. Mail to present such fraud and false instruments amounting to Mail Fraud, criminal conduct falling under Title 18 U.S.C. § 1341 – Frauds and Swindles laws, and further sending mail with false and fictitious names, a criminal conduct falling under Title 18 U.S.C. § 1842 – Fictitious Names.

**TAKE NOTICE**

Debt Collector's failure in providing Respondent with the requisite verification, validating the above referenced alleged debt within the requirements of law as codified in the Fair Debt Collection Practices Act, Fair Credit Reporting Act and the corresponding laws of each state, signifies that Debt Collector tacitly agrees that:

- a. Debt Collector has no lawful, bona fide, verified claim, re the above-referenced alleged account:
- b. Debt Collector waives any and all claims against Respondent and
- c. Debt Collector tacitly agrees that Debt Collector will compensate Respondent for all costs, fees and expenses incurred in defending against this and any and all continued collection attempts, re the above-referenced alleged account.
- d. Failure of Debt Collector to properly and legally verify/validate alleged debt as required in this notice is a self executing irrevocable power of attorney authorizing Respondent/Alleged Debtor named herein to direct the permanent removal, on behalf of the alleged Creditor, of any and all references to said account in any and all credit reporting agency files of any type.

This response will constitute my effort to resolve this on-going debt claim between the parties involved. Until full disclosure is achieved, there can be no case, collection or action. "No civil or criminal cause of action can arise lest, out of fraud, there be a valid, honest contract." See Eads v. Marks 249 P. 2d 257, 260.

Done this 3 Day of April 2015

